

ASSEMBLY BILL

No. 1690

Introduced by Assembly Member Gordon

February 13, 2014

An act to amend Section 65583.2 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1690, as introduced, Gordon. Local planning: housing elements.

Existing law requires that the housing element of a community's general plan contain a program that sets forth a schedule of actions during the planning period that the local government is undertaking, or intends to undertake, to implement the policies and achieve the goals and objectives of the housing element through the utilization of appropriate federal and state financing and subsidy programs, and the utilization of moneys in a low- and moderate-income housing fund, as specified. Existing law also requires the program to accommodate at least 50% of the very low and low-income housing need on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted, as specified.

This bill would instead require the program to accommodate at least 50% of the very low and low-income housing need on sites designated for residential use or mixed-uses.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 65583.2 of the Government Code is amended to read:

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following:

(1) Vacant sites zoned for residential use.

(2) Vacant sites zoned for nonresidential use that allows residential development.

(3) Residentially zoned sites that are capable of being developed at a higher density.

(4) Sites zoned for nonresidential use that can be redeveloped for, and as necessary, rezoned for, residential use.

(b) The inventory of land shall include all of the following:

(1) A listing of properties by parcel number or other unique reference.

(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.

(3) For nonvacant sites, a description of the existing use of each property.

(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

(5) A general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information need not be identified on a site-specific basis.

(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.

1 (7) A map that shows the location of the sites included in the
2 inventory, such as the land use map from the jurisdiction's general
3 plan for reference purposes only.

4 (c) Based on the information provided in subdivision (b), a city
5 or county shall determine whether each site in the inventory can
6 accommodate some portion of its share of the regional housing
7 need by income level during the planning period, as determined
8 pursuant to Section 65584. The analysis shall determine whether
9 the inventory can provide for a variety of types of housing,
10 including multifamily rental housing, factory-built housing,
11 mobilehomes, housing for agricultural employees, emergency
12 shelters, and transitional housing. The city or county shall
13 determine the number of housing units that can be accommodated
14 on each site as follows:

15 (1) If local law or regulations require the development of a site
16 at a minimum density, the department shall accept the planning
17 agency's calculation of the total housing unit capacity on that site
18 based on the established minimum density. If the city or county
19 does not adopt a law or regulations requiring the development of
20 a site at a minimum density, then it shall demonstrate how the
21 number of units determined for that site pursuant to this subdivision
22 will be accommodated.

23 (2) The number of units calculated pursuant to paragraph (1)
24 shall be adjusted as necessary, based on the land use controls and
25 site improvements requirement identified in paragraph (5) of
26 subdivision (a) of Section 65583.

27 (3) For the number of units calculated to accommodate its share
28 of the regional housing need for lower income households pursuant
29 to paragraph (2), a city or county shall do either of the following:

30 (A) Provide an analysis demonstrating how the adopted densities
31 accommodate this need. The analysis shall include, but is not
32 limited to, factors such as market demand, financial feasibility, or
33 information based on development project experience within a
34 zone or zones that provide housing for lower income households.

35 (B) The following densities shall be deemed appropriate to
36 accommodate housing for lower income households:

37 (i) For incorporated cities within nonmetropolitan counties and
38 for nonmetropolitan counties that have micropolitan areas: sites
39 allowing at least 15 units per acre.

1 (ii) For unincorporated areas in all nonmetropolitan counties
2 not included in clause (i): sites allowing at least 10 units per acre.

3 (iii) For suburban jurisdictions: sites allowing at least 20 units
4 per acre.

5 (iv) For jurisdictions in metropolitan counties: sites allowing
6 at least 30 units per acre.

7 (d) For purposes of this section, metropolitan counties,
8 nonmetropolitan counties, and nonmetropolitan counties with
9 micropolitan areas are as determined by the United States Census
10 Bureau. Nonmetropolitan counties with micropolitan areas include
11 the following counties: Del Norte, Humboldt, Lake, Mendocino,
12 Nevada, Tehama, and Tuolumne and such other counties as may
13 be determined by the United States Census Bureau to be
14 nonmetropolitan counties with micropolitan areas in the future.

15 (e) A jurisdiction is considered suburban if the jurisdiction does
16 not meet the requirements of clauses (i) and (ii) of subparagraph
17 (B) of paragraph (3) of subdivision (c) and is located in a
18 Metropolitan Statistical Area (MSA) of less than 2,000,000 in
19 population, unless that jurisdiction's population is greater than
20 100,000, in which case it is considered metropolitan. Counties,
21 not including the City and County of San Francisco, will be
22 considered suburban unless they are in a MSA of 2,000,000 or
23 greater in population in which case they are considered
24 metropolitan.

25 (f) A jurisdiction is considered metropolitan if the jurisdiction
26 does not meet the requirements for "suburban area" above and is
27 located in a MSA of 2,000,000 or greater in population, unless
28 that jurisdiction's population is less than 25,000 in which case it
29 is considered suburban.

30 (g) For sites described in paragraph (3) of subdivision (b), the
31 city or county shall specify the additional development potential
32 for each site within the planning period and shall provide an
33 explanation of the methodology used to determine the development
34 potential. The methodology shall consider factors including the
35 extent to which existing uses may constitute an impediment to
36 additional residential development, development trends, market
37 conditions, and regulatory or other incentives or standards to
38 encourage additional residential development on these sites.

39 (h) The program required by subparagraph (A) of paragraph (1)
40 of subdivision (c) of Section 65583 shall accommodate 100 percent

1 of the need for housing for very low and low-income households
2 allocated pursuant to Section 65584 for which site capacity has
3 not been identified in the inventory of sites pursuant to paragraph
4 (3) of subdivision (a) on sites that shall be zoned to permit
5 owner-occupied and rental multifamily residential use by right
6 during the planning period. These sites shall be zoned with
7 minimum density and development standards that permit at least
8 16 units per site at a density of at least 16 units per acre in
9 jurisdictions described in clause (i) of subparagraph (B) of
10 paragraph (3) of subdivision (c) and at least 20 units per acre in
11 jurisdictions described in clauses (iii) and (iv) of subparagraph (B)
12 of paragraph (3) of subdivision (c). At least 50 percent of the very
13 low and low-income housing need shall be accommodated on sites
14 designated for residential use ~~and for which nonresidential uses~~
15 ~~or mixed-uses are not permitted.~~

16 (i) For purposes of this section and Section 65583, the phrase
17 “use by right” shall mean that the local government’s review of
18 the owner-occupied or multifamily residential use may not require
19 a conditional use permit, planned unit development permit, or other
20 discretionary local government review or approval that would
21 constitute a “project” for purposes of Division 13 (commencing
22 with Section 21000) of the Public Resources Code. Any subdivision
23 of the sites shall be subject to all laws, including, but not limited
24 to, the local government ordinance implementing the Subdivision
25 Map Act. A local ordinance may provide that “use by right” does
26 not exempt the use from design review. However, that design
27 review shall not constitute a “project” for purposes of Division 13
28 (commencing with Section 21000) of the Public Resources Code.
29 Use by right for all rental multifamily residential housing shall be
30 provided in accordance with subdivision (f) of Section 65589.5.

O